Simon v. Adzilla, Inc [New Media] et al Doc. 33

SEAN A. LINCOLN (State Bar No. 136387)
salincoln@orrick.com
I. NEEL CHATTERJEE (State Bar No. 173985)
nchatterjee@orrick.com
MONTE COOPER (State Bar No. 196746)
mcooper@orrick.com
THERESA A. SUTTON (State Bar No. 211857)
tsutton@orrick.com
YVONNE P. GREER (State Bar No. 214072)
ygreer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Plaintiffs
FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG, Defendants.	Case No. 5:07-CV-01389-RS **DECLARATION OF THERESA A. SUTTON PURSUANT TO CIVIL LOCAL RULE 79-5(B) IN SUPPORT OF SEALING (I) PLAINTIFFS' CONFIDENTIAL MOTION; (II) DECLARATION OF THERESA A. SUTTON AND EXHIBITS IN SUPPORT THEREOF; (III) DECLARATION OF GREG ROUSSEL AND EXHIBITS IN SUPPORT THEREOF; AND (IV) DECLARATION OF MARK HOWITSON** Date: May 28, 2008 Time: 9:30 A.M. Judge: Honorable Richard Seeborg

Dockets.Justia.com

I, Theresa A. Sutton, declare as follows:

1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel to Plaintiffs Facebook, Inc. and Mark Zuckerberg. I am licensed to practice law in the State of California. I have personal knowledge of the facts and circumstances set forth in this Declaration. If called as a witness, I could and would testify competently to the matters set forth herein. I make this Declaration pursuant to Civil L.R. 79-5(b).

2. Good cause exists for sealing Plaintiffs' Confidential Motion, the Declaration of Theresa A. Sutton and exhibits in support thereof, the Declaration of Greg Roussel and exhibits in support thereof, and the Declaration of Mark Howitson. Plaintiffs' Confidential Motion, and all declarations and exhibits filed in support thereof, have been designated as highly confidential by the parties. In light of the high profile nature of this case, and the parties' desire to keep the details of this Confidential Motion private, Plaintiffs request that this Motion and its supporting papers remain sealed. The exhibits, which are discussed in the motion, contain commercially sensitive information that, if released to the general public, could adversely affect the parties to this litigation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 23rd day of April, 2008, at Menlo Park, California.

/s/ Theresa A. Sutton /s/
Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 23, 2008.

Dated: April 23, 2008.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

OHS West:260426651.1
16069-4